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and JERRY WAYNE DUDLEY JR.

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

JOSE ZEPEDA ALACRAZ, an  
individual; MARIBEL ALCALA DE  
PEREZ, an individual,

Plaintiff,

v.

MARTEN TRANSPORT LTD, a  
corporation; JERRY WAYNE DUDLEY  
JR, an individual; and DOES 1 to 25  
inclusive,

Defendant.

Case No. 1:23-CV-00615-JLT-SKO

**STIPULATION AND ORDER TO  
MODIFY SCHEDULING ORDER**

Assigned to: Hon. Jennifer L. Thurston  
Magistrate Judge: Hon. Sheila K. Oberto

Complaint Filed: March 9, 2023  
Trial: July 29, 2025

(Doc. 40)

Pursuant to Rules 6(b) and 29(b) of the Federal Rules of Civil Procedure and Pursuant to Local Rule 143 Plaintiffs JOSE ZEPEDA ALACRAZ and MARIBEL ALCALA DE PEREZ (“Plaintiffs”) and Defendants MARTEN TRANSPORT LTD and JERRY WAYNE DUDLEY JR (“Defendants”) (collectively the “Parties”) hereby respectfully stipulate and request the Court amend the current Scheduling Order (ECF No. 35) for good cause, and in support thereof would respectfully show the Court as follows:

On August 17, 2023, a Scheduling Conference was held; the Court set the following deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 240:

Non Expert Discovery: June 14, 2024

Expert Disclosures: August 1, 2024

1 Rebuttal Expert Disclosures: August 29, 2024

2 Expert Discovery: September 27, 2024

3 The pretrial deadlines were amended 3 times previously, and the last time, the Court's  
4 Order also *sua sponte* continued the trial date to July 29, 2025. (ECF 35). The trial had not  
5 previously been continued. The current discovery cutoffs, as per the August 12, 2024 Order  
6 (ECF 35) are as follows:

7 Non Expert Discovery: November 15, 2024

8 Expert Disclosures: December 16, 2024

9 Rebuttal Expert Disclosures: January 14, 2025

10 Expert Discovery: February 12, 2025

11 **Both parties now request a further amendment to the discovery cutoff as follows**  
12 **preceding the July 29, 2025 trial in this matter:**

13 **Non Expert Discovery: January 31, 2025**

14 **Expert Disclosures: February 28, 2025**

15 **Rebuttal Expert Disclosures: March 14, 2025**

16 **Expert Discovery: April 11, 2025**

17 Good cause exists to grant this joint stipulation and the Parties request this reset and  
18 amendment to the Scheduling Order for the following reasons:

19 (1) The scope and extent of Plaintiffs' alleged injuries and resulting damages  
20 continues to require extensive discovery. Although the parties are making a  
21 concerted effort to complete all pending discovery, the Parties anticipate that they  
22 will not be able to comply with the current fact and expert discovery deadlines.  
23 Moreover, the Parties have agreed to attend a mediation, however, the Parties must  
24 first complete the pending discovery before they can engage in meaningful  
25 settlement discussions.

26 (2) To date, the following depositions have been completed: Three (3) depositions of  
27 emergency personnel, two (2) depositions of eyewitnesses, five (5) depositions of  
28 Plaintiffs' treating physicians, and the PMQ deposition of Defendant Marten

1 Transport.

2 (3) Plaintiffs Jose Zepeda Alcaraz and Maribel Perez de Alcala are scheduled for  
3 deposition on November 4 and 5, 2024. Defendant Dudley's deposition is set for  
4 November 11, 2024. Three (3) more of Plaintiffs' treating physician depositions  
5 are scheduled for October 28, 2024 and November 12, 2024.

6 (4) The October 23, 2024 PMQ deposition of Marten Transport yielded information  
7 about additional categories of documents, and of witnesses, and Plaintiffs now  
8 require additional time to obtain that discovery. For example, the PMQ testified  
9 that there were a series of video training modules provided to Defendant Dudley,  
10 which included driver safety training. The videos themselves are in the possession  
11 of Marten and/or third party company Infinity, and information regarding which  
12 specific modules Dudley completed are in Infinity's possession. Plaintiffs require  
13 this information to support their claims against Defendant Dudley. Plaintiffs will  
14 not be able to request and obtain this information by November 15, 2024.

15 (5) Defendants are working on coordinating five (5) additional medical treaters  
16 depositions; however, the parties may require the Court's input on the number of  
17 depositions appropriate for this case in the future as Plaintiffs will not stipulate to  
18 allow Defendants more than 12 depositions (2 more than the 10 allowed by FRCP  
19 30).

20 (6) Plaintiffs obtained contact information for several additional eyewitnesses to the  
21 subject accident from CHP Officer Aldrete's August 2, 2024 deposition. Plaintiffs  
22 did successfully subpoena and obtain the deposition of two (2) of these witnesses;  
23 however, there are two (2) more witnesses that Plaintiffs are diligently working to  
24 contact, locate and subpoena. There is insufficient time to locate them all, provide  
25 the required notice, and secure their availability for a deposition to take place  
26 before November 15, 2024.

27 (7) Given the scope and extent of Plaintiffs' alleged injuries, Defendants anticipate  
28 the necessity to conduct Independent Medical Exams of Plaintiffs. Given the

1 current posture of discovery, however, there is insufficient time to complete the  
2 above discovery and have Plaintiffs submit to Independent Medical Exams before  
3 November 15, 2024.

4 (8) Both Plaintiffs' counsels of record will be engaged in a minimum 4-week trial  
5 beginning November 13, 2024, in a case filed in 2019 with a 72-year-old Plaintiff,  
6 which is unlikely to be continued.

7 (9) This brief continuance may aid the facilitation of settlement, it will not cause any  
8 prejudice to the Parties or any third-party, and it is not requested for any improper  
9 purpose.

10  
11 Dated: October 24, 2024

CLARK HILL LLP

12  
13 By: /s/: Seta Sarabekian  
14 Bradford G. Hughes  
15 Seta Sarabekian  
16 Attorneys for Defendants MARTEN  
TRANSPORTS LTD and JERRY WAYNE  
DUDLEY JR.  
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Dated: October 23, 2024

BD&J, PC

/s/ Jennifer Bagosy (as authorized  
on October 23, 2024)

By: \_\_\_\_\_

Olivier Taillieu

Jennifer Bagosy

Attorneys for Plaintiffs JOSE ZAPEDA and  
MARIBEL ALCALA DE PEREZ

**ORDER**

Pursuant to the parties' foregoing stipulation (Doc. 40), and for good cause shown (*see* Fed. R. Civ. P. 16(b)(4)), the case schedule (Docs. 35) is MODIFIED as follows:

	<b>Previous Deadline</b>	<b>New Deadline</b>
Non-Expert Discovery	November 15, 2024	January 31, 2025
Expert Disclosures	December 16, 2024	February 28, 2025
Rebuttal Expert Disclosures	January 14, 2025	March 14, 2025
Expert Discovery	February 12, 2025	April 11, 2025
Non-Dispositive Motion Deadline <sup>1</sup>	Filing: February 13, 2025 Hearing: March 26, 2025	Filing: April 16, 2025 Hearing: May 21, 2025
Dispositive Motion Deadline	Filing: February 20, 2025 Hearing: March 31, 2025	Filing: April 23, 2025 Hearing: May 28, 2025
Deadline to Provide Proposed Settlement Conference Dates	By April 30, 2025, or 90 days before trial, whichever is later	By July 23, 2025, or 90 days before trial, whichever is later
Pre-Trial Conference	June 2, 2025	August 25, 2025
Trial	July 29, 2025	October 21, 2025

IT IS SO ORDERED.

Dated: **October 27, 2024**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Although the parties did not request an enlargement of the motion deadlines and pretrial and trial dates, such enlargement is necessary to allow the Court time to adjudicate motions and for the parties to prepare for trial.